

STATEMENT OF REP. JOHN CONYERS, JR.
Courts, the Internet, and Intellectual Property Subcommittee
Oversight Hearing on “Music on the Internet”
May 17, 2001

The Internet presents one of the most profound paradoxes of the 21st Century. In just the past year, copyright holders have gone from being the victims of large-scale Internet piracy to seeking to embrace the Internet to market their works. In essence, they are trying to take advantage of the very technology that once threatened their livelihood.

Despite this turnaround, though, music is still not widely available online, and we are hearing that is partly because of the difficulty in getting licenses from music publishers over the compositions that underlie each song. Those seeking licenses claim the procedures are outdated and the law is not clear on which online music systems require which licenses. There are even suggestions that Congress should alter the licensing scheme into a “blanket” license so that users of compositions pay royalties into a pool and the Copyright Office divvies up the money between the publishers.

Let me state that I am one Member who would be concerned with proposals limiting the ability of songwriters and publishers to negotiate licenses for their compositions. Despite the fact that they actually create and write the songs we listen to, songwriters and publishers receive the lowest royalties in the music industry.

For that reason, publishers should not be penalized for protecting their property rights in the same way the music labels have done – especially when negotiating with Internet companies over online music royalties. Besides, the market shows the publishers have not abused their power and have licensed their works to over 30 Internet companies; this actually makes sense because the publishers only make money when they license compositions. They have no incentive to keep music off the Internet.

In short, I hope we can let the market work before we introduce more regulations into an already heavily-regulated content industry. The last thing we want to do is create further obstacles to creativity.